

WO

NOT FOR PUBLICATION
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Levanna C. Traylor; et al.,)	No. CV-08-0918-PHX-FJM
)	
Plaintiffs,)	ORDER
)	
vs.)	
)	
Avnet, Inc.; Avnet Pension Plan,)	
)	
Defendants.)	

1 Therefore, IT IS ORDERED GRANTING plaintiffs' motion (doc. 144) to approve
2 two modifications to the class definitions certified by our order dated May 26, 2009 (doc.
3 141) as follows:

4 The Lump Sum Class is certified consisting of all persons for whom the Avnet
5 Pension Plan maintained a notional account at any time after 12/31/93, and
6 who received a lump sum distribution from the Plan between 1/1/94 and
8/17/06; and the lawful beneficiaries, estates or alternate payees of such
persons.

7 The Restricted Participant Class is certified consisting of all persons for whom
8 the Plan maintained a notional account at any time after 12/31/93, and who
9 between 1/1/94 and 8/17/06 were not offered a lump sum distribution upon
10 termination of their employment because the Plan determined that the present
value of their pre-1/1/94 benefit exceeded their notional account balance; and
the lawful beneficiaries, estates or alternate payees of such persons.

11 IT IS FURTHER ORDERED GRANTING plaintiffs' motion for approval of the form
12 of notice to the Lump Sum Class attached as exhibit 1 to their motion, modified, however,
13 to add the word "notional" before the term "account balance" in the fifth line of the definition
14 of Restricted Participant Class.

15 IT IS FURTHER ORDERED GRANTING plaintiffs' unopposed request to appoint
16 Rust Consulting, Inc., as Notice Administrator. The Notice, substantially in the form
17 attached as exhibit 1 to plaintiffs' motion, with the modification noted above, shall be mailed
18 by the Notice Administrator to all Lump Sum Class Members by first-class mail, postage pre-
19 paid, no later than 30 days after the entry of this Order. The Notice shall be sent to all Class
20 Members at their last known addresses, with address updating and verification by the Notice
21 Administrator where reasonably available. Defendants shall provide Class Counsel and the
22 Notice Administrator within 10 business days of entry of this Order a Class List in an Excel
23 format with the following column fields: First Name, Last name, Last Known Address, City,
24 State, Zip Code, Country (if foreign) as for each Lump Sum Class Member. The Notice
25 Administrator shall file with the Court proof of mailing of the Notices to all Lump Sum Class
26 Members within 45 days after entry of this Order. Lump Sum Class Members shall have 45
27 days from the date the mailing shall be complete to opt-out of the Class in the manner set
28 forth in the approved Notice.

Plaintiffs shall be responsible for all costs of providing Notice, except that defendants shall be responsible for costs associated with providing Class Counsel and the Notice Administrator with a Class List in accordance with the terms of this Order.

DATED this 8th day of July, 2009.

Frederick J. Martone
Frederick J. Martone
United States District Judge